

REMARKS

Favorable reconsideration of this Application in light of the following discussion is respectfully requested.

Claims 1 and 3-15 are pending in the present Application. Claims 1, 3 and 4 have been amended. No new matter has been added.

By way of summary, the Official Action presents the following issues: Claims 1 and 3-5 stand rejected under 35 U.S.C. § 112, second paragraph; Claim 1 stands rejected under 35 U.S.C. § 103 as being anticipated by Ko et al. (U.S. Patent No. 6,574,189, hereinafter Ko); and, Claims 3-5 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ko in view of Mukawa et al. (U.S. Patent No. 5,745,451, hereinafter Mukawa).

REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

The Official Action has rejected Claims 1 and 3-5 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention.

Applicants have amended Claims 3 and 4 to address antecedent basis issue outlined in paragraph 2 of the Official Action. Accordingly, Applicants respectfully request that the rejection of Claims 1 and 3-5 under 35 U.S.C. § 112, second paragraph, be withdrawn.

REJECTION UNDER 35 U.S.C. § 103

The outstanding Official Action has rejected Claim 1 under 35 U.S.C. § 103 as being unpatentable over Ko. The Official Action contends that Ko discloses all of the Applicants' claim features with exception of a first detection hole being in an open state at all times. However, the Official Action contends that it was obvious to one of ordinary skill in the art at the time the claimed advancement was made, to have altered the Ko reference for arriving at the Applicants' claims. Applicants respectfully traverse the rejection.

Amended Claim 1 recites, *inter alia*, a recording medium housed in a cartridge, including:

... wherein the slider includes a portion altering the depth of the first detection hole with respect to the reference plane upon closing said second detection hole, the portion supporting an operating projection at a position perpendicular with respect to the reference plane for controlling position of the slider external from the cartridge.

Ko describes a cartridge assembly for detecting when a disc has been withdrawn from the cartridge.<sup>1</sup> As shown in Fig. 12, a disc cartridge includes a lower shell (120) and an upper shell (130), which make up the cartridge case. As shown in Fig. 8, the cartridge case includes openings (124) and (125) on a horizontal surface of the cartridge. Likewise, as shown in Fig. 9, the cartridge includes openings (148) on a vertical side surface of the cartridge. As shown in Fig. 12, a cap (124a) is disposed at sensor opening (124). The presence of the tap indicates that the disc has not been withdrawn from the cartridge. In this state, the opening (124) remains closed.<sup>2</sup> Only upon removal of the tap (124a) is the closing member (152) able to move. Once moved, the hole (125) is opened.<sup>3</sup> As shown in Figs. 13b-13c, once the tap (124a) is removed, an angular space is provided in the member (152). As shown in these figures, sensor switches (160 and 170) are able to access a vertical wall of the cartridge.

Conversely, in an exemplary embodiment of the Applicants' invention, a cartridge-type recording medium includes, at least, a first detection hole and a second detection hole. The slider of the cartridge is configured to open and close the second detection hole. When the second detection hole is in a closed state, the hole forms a plane substantially parallel with respect to the reference plane of the cartridge at the position of the second detection hole and the first detection hole. The first detection hole remains open at all times. When the second detection hole is closed by the slider, the slider provides a portion to the first detection

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<sup>1</sup> Ko at column 11, lines 1-5.

<sup>2</sup> Ko at Figs. 12 and 13a.

<sup>3</sup> Ko at column 13, lines 52-56.

hole for altering the depth of the first detection hole with respect to the reference plane upon closure of the second detection hole.<sup>4</sup> The portion supports an operating projection at a position perpendicular with respect to the reference plane for controlling the position of the slider external from the cartridge.

As Ko does not disclose, or suggest, a slider including a portion for altering the depth of a first detection hole with respect to the reference plane upon closing the second detection hole, the portion supporting an operating projection at a position perpendicular with respect to the reference plane for controlling the position of the slider external from the cartridge, Applicants respectfully request that the rejection of Claim 1 under 35 U.S.C. § 103 be withdrawn.

#### REJECTION UNDER 35 U.S.C. § 103

The Official Action has rejected Claims 3-5 under 35 U.S.C. § 103 as being unpatentable over Ko in view of Mukawa. The Official Action states that Ko discloses all of the Applicants' claim features with the exception of sensor holes having specific purposes. However, the Official Action cites Mukawa as disclosing this more detailed aspect of the Applicants' claimed advancement, and states that it would have been obvious to one of ordinary skill in the art at the time the advancements were made to combine the cited references for arriving at the Applicants' claims. Applicants respectfully traverse the rejection.

As discussed above, Ko does not disclose all of the claimed elements for which it has been asserted. Likewise, Mukawa does not remedy the deficiency discussed above. Accordingly, neither Ko alone, or in combination with Mukawa, disclose or suggest the

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<sup>4</sup> Application at Figs. 10C, 10D, and 10E.

Applicants' claimed invention. Accordingly, Applicants respectfully request that the rejection of Claims 3-5 under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present Application, including active Claims 1 and 3-5, is patently distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

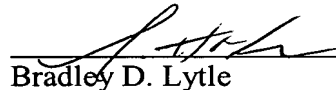
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